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Small arms

Report of the Secretary-General**

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* A/55/150.
** This report was prepared on the basis of submissions from Member States.

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I. Introduction

1. On 15 December 1999, the General Assembly adopted resolution 54/54 V, entitled "Small arms", paragraphs 10-12 of which read as follows:

> "*The General Assembly*,
>
> "...
>
> "10. *Endorses* the report of the Secretary-General on small arms (A/54/258), prepared with the assistance of the Group of Governmental Experts on Small Arms pursuant to General Assembly resolution 52/38 J [of 9 December 1997], bearing in mind the views of Member States on the report;
>
> "11. *Calls upon* all Member States to implement the relevant recommendations contained in section IV of that report to the extent possible and where necessary in cooperation with appropriate international and regional organizations and/or through international and regional cooperation;
>
> "12. *Requests* the Secretary-General to seek the views of Member States on the report as well as on the implementation of the relevant recommendations contained therein".

2. Pursuant to the above request, the Secretary-General on 29 March 2000 addressed a note verbale to Member States seeking their views on the subject. The replies received from Member States are reflected in section II below. Any additional replies received from Governments will be issued as addenda to the present report.

II. Replies received from Member States

Brazil

[Original: English]
[22 May 2000]

1. Brazil considers that the report of the Group of Governmental Experts on Small Arms presents an appropriate approach to the problem of small arms and Brazil agrees with the ideas and recommendations contained therein. Brazil voted in favour of resolution 54/54 V, in which the General Assembly endorsed the report, and believes that it should constitute the main documental basis, although not the only one, for the work to be undertaken by the Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, to be held in 2001.

2. Even if the recommendations of the report of the Group of Experts (A/54/258, paras. 94-121) do not require a decision of the Conference to be implemented, they need the establishment of cooperation arrangements or the adoption of common criteria to enter into force. In this sense, the Conference should recommend the necessary legislation, regulations and administrative measures on all aspects of the circulation of arms within the jurisdiction of the Member States, as envisaged in paragraph 113 of the report.

3. The Conference should also address the possibility of implementation and harmonization of norms for marking of weapons (paras. 102 and 115-117). The rules regarding the sale and purchase of small arms (para. 120), the management of armories, and the collection and destruction of surplus and confiscated weapons (paras. 96, 110, 111) are of concern for a large number of Member States and should fall within the purview of the Conference. The question of ammunition and explosives also lies within the area of competence of the Conference.

4. Brazil believes that civil society and the non-governmental organizations which concern themselves with the many issues related to small arms not only should be involved in the preparation of the 2001 Conference, but also should be included in the process of implementation of the decisions adopted by the Conference (paras. 105 and 121).

5. The Government of Brazil supports the continuation of the process of open and transparent consultations, to be led by the Chairman of the Preparatory Committee, with a view to assisting the Committee in advancing in the complex and urgent task of launching the groundwork for a successful Conference on the Illicit Trade of Small Arms and Light Weapons in All its Aspects.

China

[Original: Chinese]
[5 June 2000]

General views on the report of the Group

1. The report of the Group generally reflects, in a relatively objective and balanced manner, the concerns felt by all parties regarding the problem of small arms. China endorses in principle the analysis of this problem contained in the report as well as the further actions recommended therein for solving the problem. It also believes that these recommendations have definite value as reference material for the international community to deal properly with the problem. China appreciates the efforts made by the Group and its secretariat in the preparation of the report.

Views on implementing the recommendations of the report

(a) The United Nations

2. The Government of China welcomes the constructive role being played by the United Nations in coordinating the efforts of the international community to deal with the problem of small arms and hopes that it will continue to play such a role. China believes that, in taking specific measures based on its relevant mandates, the United Nations must respect the wishes of all local parties and act with caution. China supports the role of the United Nations in promoting the exchange of information and endorses the recommendation to carry out a timely study on the feasibility of restricting the manufacture of and trade in small arms and light weapons to manufacturers and dealers authorized by States. China is a member of the Group of Governmental Experts established for this purpose and participated in the Group's first session, held from 5 to 15 May 2000 in New York.

(b) Other international and regional organizations

3. The Chinese Government supports the efforts being made by other relevant international and regional organizations towards solving the problem of small arms. The nature and manifestations of this problem vary from one region to another and the search for cooperative measures that are suitable to the realities of each region is an important element in the efforts to solve this problem.

4. China has actively joined the bilateral and multilateral efforts made within its region to solve this problem. It participated in the Jakarta Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons, sponsored by the Government of Indonesia and the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, and held in Jakarta on 3 and 4 May 2000. It also took part in the Asia Regional Workshop on Small Arms held in Tokyo on 8 and 9 June 2000.

(c) States

5. The Chinese Government has always believed that the formulation and effective implementation by each State of laws, regulations and administrative measures that are suitable to its domestic conditions constitute the key to solving the problem of small arms and are the proper basis for bilateral and multilateral cooperation. Taken as a whole, the national measures recommended by the Group in its report have definite value as reference material for States in devising measures to deal with the problem.

6. In keeping with its domestic conditions, the Government of China has taken effective measures to ensure that activities involving the legal production and trade of small arms are conducted within the scope authorized by the State, as well as to prevent and combat the illicit production of and trafficking in such weapons.

7. The Chinese policy on arms trade clearly provides that the export of arms, including small arms and light weapons, must conform to three principles, namely, that the provision of such weapons (a) will aid the receiving State in defending itself; (b) will not endanger the peace, security or stability of the region concerned or the world as a whole; and (c) will not constitute an interference in the internal affairs of the receiving State. Guided by these principles, China has adopted a responsible attitude towards the export of arms, including small arms and light weapons, and has banned the export of weapons to States that are subject to United Nations arms embargoes.

8. In the past China has exercised tight control on arms and ammunition mainly through administrative means. In recent years, it has strengthened its legislative measures in this area by adopting strict laws and regulations. These laws and regulations, including its Firearms Control Act and Regulations governing the

Export of Military Materiel, seek to control small arms and light weapons through the various stages of production, use, sale, transportation, import and export. China bans the possession, use of and trade in any kind of military weapons by private citizens, as well as the possession, manufacture, trade or shipment of firearms by any entity or individual in violation of the law. In addition, there are specific laws in China that exercise strict control over the production, circulation and use of explosives.

Colombia

[Original: Spanish]
[17 May 2000]

1. For countries such as Colombia, the problem of small arms and light weapons resides principally in illegal trafficking. While the consequences of the accumulation and circulation of such weapons throughout the world are serious because of the fact that their misuse leads, among other things, to an increase in violent crime, domestic violence, suicide and murder, the consequences are even more serious when small arms are illegally introduced into a country and thereby remain outside the control of the State and in the hands of actors on the fringes of legality, since they have implications for national security.

2. Of the enormous quantity of small arms that are produced and are in circulation throughout the world, particularly in countries that have emerged from armed conflict, many have reached Colombia and other countries in the region through clandestine and illegal channels. This is a trend that must be curbed through action to ensure that traffickers and criminals do not have access to such weapons or to the means of acquiring them. Otherwise, the weapons in circulation, in the absence of adequate controls, will continue to become part of the illegal arms trade and be exchanged for drugs and other illicit products or used as currency in exchange for essential goods.

3. The solution to the problem of small arms in circulation is to devise programmes for the collection and destruction of illegal weapons, to give assistance for the rehabilitation and reintegration in civil society of former combatants and to improve the living conditions of the population so as ultimately to achieve the demilitarization of societies and strengthen peace in countries that have emerged from armed conflict. In this context, the programmes devised in such countries for the handing in of small arms in exchange for payment should be studied in order to evaluate their results and their usefulness with regard to the task of achieving the demilitarization of societies.

4. The development of collective strategies to combat the circulation of and illicit trafficking in small arms implies taking account of the fact that the demand for illegal weapons is generated by groups and individuals on the fringes of legality who have an interest in subverting the constitutional order and spreading violence in order to achieve their reprehensible objectives, and who have recourse to illicit trading to acquire weapons which are forbidden to them under the legal provisions of the countries when they are operating. Furthermore, it should be borne in mind that the illegal supply of weapons is generated by rapacious traders who take advantage of the laxity or total absence of controls over the production, distribution and sale of small arms and get rich on the death and destitution generated by the circulation of and illicit trafficking in such weapons.

Jordan

[Original: Arabic]
[31 May 2000]

1. We endorse the provisions of General Assembly resolution 54/54 V, on small arms and light weapons, since it is evident that:

(a) In conflicts, most of the dead and wounded are caused by small arms and light weapons, as the statistics show, and while there are appropriate international norms for the control of unconventional weapons and of large- and medium-size conventional weapons, personal weapons have largely been ignored and an international endeavour in this domain is indispensable if the human suffering caused by such weapons is to be mitigated;

(b) The accumulation of small arms and light weapons does not in itself cause conflict, but their accumulation on a large scale does encourage the resort to violence by small groups that believe themselves to be oppressed or are endeavouring to increase their influence in civil society. The build-up of such weapons also nurtures and prolongs conflict, as we have seen in Lebanon and in Africa;

(c) In general, firm control over such weapons is exercised by the armed forces that use them, but control is minimal in the case of armed opposition groups and paramilitary organizations. International control of the supply of small arms and light weapons to such groups is therefore essential if the problem is to be addressed;

(d) The funds spent by States on securing such weapons and hence on arming their citizens could be spent in other ways, for example on the development, infrastructure, and education projects that these countries actually need. Perhaps the existence of such projects would relieve tensions, if not eliminate the causes of conflict in these countries.

2. In connection with paragraph 12 of resolution 54/54 V, it is our view that:

(a) International legislation should be introduced to control the lawful trade in such weapons and their spread to the armaments black market, and it should extend to a resolute international campaign against this phenomenon;

(b) International legislation should also take account of munitions, since such weapons lose their intrinsic value when ammunition for them is restricted;

(c) The pervasiveness of these weapons constitutes a danger to population centres and to the freedom and safety of air and surface transportation. We therefore believe that priority for any international legislation should be given to the following weapons:

(i) Rapid-fire machine guns;

(ii) Light anti-tank weapons;

(iii) Shoulder-fired anti-aircraft weapons;

(d) A means of marking such weapons at production sites should be devised so as to facilitate the process of tracing them;

(e) There should also be arms control and disarmament in relation to small arms and light weapons (micro-disarmament);

(f) Ways should be devised of establishing and maintaining records of weapons exports;

(g) Confidence-building measures, transparency in military expenditures and regional registers each have a role to play;

(h) Civilian-military relations should be improved in societies that are in a state of transition between war and peace.

Ukraine

[Original: English]
[12 July 2000]

1. Ukraine fully shares the international concern regarding the problems created by the continuing increase of the illicit trade in small arms and light weapons, which have been raised in the report of the Secretary-General.

2. As an active participant in international multilateral forums on disarmament and arms control, Ukraine is ready to take part in collective measures with the aim of preventing the illicit trade in small arms and light weapons. An evidence of this is the initiative put forward by the Minister for Foreign Affairs of Ukraine, Borys I. Tarasyuk, at the meeting of the Security Council held on 29 September 1999 on convening under the auspices of the United Nations an international meeting of experts of major arms-producing countries to develop effective means preventing their illicit trade. Ukraine also initiated development of a "behaviour code", similar to the one which has been developed by the European Union, according to which weapons exports would be carried out.

3. Ukraine implements all relevant resolutions of the Security Council on the imposition of an arms embargo. Ukraine also takes due account of all relevant recommendations of the General Assembly, the Security Council and the Organization for Security and Cooperation in Europe (OSCE) as well as "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N of 10 December 1996", adopted by the United Nations Disarmament Commission. Ukraine's legislation for regulating the export of weapons is based on these principles.

4. The main portions of the legislation on export control in Ukraine are contained in the laws of Ukraine, the decrees of the President of Ukraine and the decisions of the Cabinet of Ministers of Ukraine. In particular, State control of international transfers of military goods, including small arms and light

weapons, is regulated by Decision 1358 of the Cabinet of Ministers of Ukraine, entitled "On the approval of the Statute on the procedure for State monitoring of international transfer of military goods of 8 December 1997".

5. The procedure for granting authorization to export and import of military goods to subjects of international economic activity is regulated by Decision 838 of the Cabinet of Ministers of Ukraine, entitled "On the approval of the Statute on the procedure for granting foreign economic agents the right to export and import military goods and goods containing information constituting State secret of 8 June 1998".

6. In granting permits for the export of conventional weapons and related technologies, Ukraine pursues an appropriate national policy and, in particular, ensures strict compliance with the relevant restrictions established by the resolutions of the Security Council, and abides by the relevant recommendations of the General Assembly and decisions of OSCE. Ukraine also carries out all its obligations as a party to the relevant international regulations on export control.

7. Ukraine takes measures to strengthen national legislation in the sphere of control over weapons and ammunition, by the development and adoption of the laws and decisions that would comply with international norms and standards. Currently two such draft laws of Ukraine ("On export controls of Ukraine" and "On weapons") are under consideration in section committees of the Supreme Rada (Parliament) of Ukraine.